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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,377	11/28/2000	Paul M.J. Schulze-Lefert	620-125	5106
23117	7590	05/28/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			IBRAHIM, MEDINA AHMED	
			ART UNIT	PAPER NUMBER
			1638	
DATE MAILED: 05/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Response to Rule 312 Communication</b>	<b>Application No.</b> 09/722,377	<b>Applicant(s)</b> SCHULZE-LEFERT ET AL.	
	<b>Examiner</b> Medina A Ibrahim	<b>Art Unit</b> 1638	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

1. ☐ The amendment filed on 24 March 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### In The Claims:

Claim 79 (Currently amended). An isolated polynucleotide comprising a nucleotide sequence selected from the group consisting of :

- a) a [the] nucleotide sequence encoding SEQ ID NO: 1;
- b) a nucleotide sequence having at least 95% sequence identity to SEQ ID NO: 2, wherein the nucleotide sequence encodes a polypeptide having disease resistance activity;
- c) a polynucleotide encoding a polypeptide having at least 95% sequence identity to SEQ ID NO:1, wherein the polypeptide has disease resistance activity; and
- d) a complement of (a), (b) or (c).

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Medina A. Ibrahim whose telephone number is (571) 272-0797. The Examiner can normally be reached Monday -Thursday from 8:00AM to 5:30PM and every other Friday from 9:00AM to 5:00 PM . Before and After final responses should be directed to fax nos. (703) 872-9306 and (703) 872-9307, respectively.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Amy Nelson, can be reached at (571) 272-0804.

5/25/04

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